

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:22-CR-5-1D

UNITED STATES OF AMERICA

v.

CHRISTOPHER ARTHUR, Defendant

MOTION TO REVOKE OR AMEND THE
MAGISTRATE JUDGE'S ORDER OF
DETENTION

NOW COMES the undersigned, on behalf of his client Christopher Arthur, and MOVES this Court to reconsider Magistrate Judge Robert Jones' decision to detain Mr. Arthur and ALLOW Mr. Arthur to be released from custody pending the resolution of her case, consistent with the requirements of 18 U.S.C. § 3142 and the Eighth Amendment to the United States Constitution.

PROCEDURAL HISTORY

38-year old Christopher Arthur, father of twin three-year-olds and a five year old, was arrested in January 2022 on one count of Distribution of Information Relating to Explosives in violation of 18 U.S.C. 842(p) following the return of an indictment by a Grand Jury sitting in the Eastern District of North Carolina.

DEFENDANT'S CHARACTERISTICS FAVOR RELEASE

Notwithstanding the evidence presented by the Government at its hearing before Magistrate Judge Jones on February 18, 2022, Christopher "Kit" Arthur's characteristics favor release. Kit is the son of a retired Marine Colonel who grew up on a family farm in Duplin County near Mt. Olive, North Carolina. His parents still reside down the street from Kit's home, and his sister lives in Apex, North Carolina. His remaining siblings live in Kentucky, Georgia and Virginia. Kit's wife, Amy, and three biological

children – three-year old twins, and a five-year-old – live on the farm that Kit was working at the time of his arrest in January 2022.

Kit graduated from North Duplin High School, and Mount Olive College. Upon graduation, Kit went to work in law enforcement, for a time as a Duplin County Sheriff's Deputy and in two other local police departments. He enlisted in the U.S. Army (Active Duty) completing at least two tours in Iraq. He then served in the reserves and then in the Army National Guard. He was honorably discharged in 2019. He received positive evaluation reports, and multiple commendations and medals as reflected on his DD-214 form (Def. Exhibit 5) presented at the February 18, 2022 hearing). He has no criminal record.

Upon his arrest, Kit, at the FBI's request, Kit recorded a message to his wife to facilitate the peaceful search of his home pursuant to the Government's search warrant. The Government was able to search the Kit's home without violence or incident, and either seized or destroyed materials it located that could be used to effect violence. While the Government seized documents that it contends indicate planning for illegal future conduct, it should be noted that in the Government did not contend at his detention hearing that Kit had personally directly engaged in any violent acts against other persons or other property during the year and a half period during which Kit was subject to the Government investigation.

ARGUMENT

Pursuant to 18 U.S.C. 3145(b), this Court retains the authority to conduct a *de novo* review of a Magistrate's order detaining a defendant in a federal criminal case. In order for a defendant to be released pre-trial under the Bail Reform Act, a defendant need not offer a set of conditions that absolutely ensures compliance. A court need only

be “reasonably assure[d]” that the conditions allay the concerns of flight or safety to others or the community. *United States v. Salerno*, 481 U.S. 739 (1987) citing 18 U.S.C. § 3142 *et seq.*

CONCLUSION

The Defendant requests that she be released from custody on conditions that satisfy the requirements of the Bail Reform Act in this case involving allegation of non-violent crimes.

This the 19th day of February 2022.

THE CHETSON FIRM, PLLC

/s/ Damon Chetson
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon all parties to this action as identified in the Notice of Electronic Filing generated by this filing by electronically filing the foregoing with the Clerk of Court using the CM/ECF system.

Date: February 19, 2022.

/s/ Damon Chetson
Damon J. Chetson